

**AFFIDAVIT OF NON-PRODUCTION
AND NON-PAYMENT OF BONUS AND RENTALS**

STATE OF West Virginia

COUNTY OF Marshall TO-WIT:

Gail Cumpston Porter (f/k/a Gail Cumpston), the undersigned, who after being duly sworn deposes and say:

1. That the above named are the owner(s) of 1/2 of the oil, gas in or under said lands. Described as follow; 14.73 acres, more or less in Liberty District, Marshall County, West Virginia.
2. That the Affiant further states that affiant is advised that the Records in the Recorder's Office indicate that the above described premises were leased for oil and gas purposes as follows:
 1. Oil and Gas Lease from J.B. Gray to S.H. Vandergrift, dated 8/1/1894 and recorded in Deed Book 43, Page 539. Term is 5 years and so much longer as oil and gas is produced in paying quantities.
 2. Oil and Gas Lease from J.B. Gray to C.J. Ford, dated 5/8/1895 and recorded in Deed Book 49, Page 262. Term is 5 years and so much longer as oil and gas is produced in paying quantities.
 3. Oil and Gas Lease from J.B. Gray to T.L. Davis, dated 6/23/1897 and recorded in Deed Book 56, Page 71. Term is 5 years and so much longer as oil and gas is produced in paying quantities.
 4. Oil and Gas Lease from J.B. Gray and A.F. Gray, husband and wife, to T.L. Davis, dated 6/22/1900 and recorded in Deed Book 74, Page 334. Term is 10 years and so much longer as oil and gas is produced in paying quantities.
 5. Oil and Gas Lease from J.B. Gray and A.F. Gray, husband and wife, to G.W. Grandon and E.J. Grandon, husband and wife, dated 12/6/1909 and recorded in Deed Book 132, Page 533. Term is 5 years and so much longer as oil and gas is produced in paying quantities.
 6. Oil and Gas Lease from G.W. Grandon and Emma J. Grandon, husband and wife, and J.B. Gray and Alice F. Gray, husband and wife, to The Wheeling Natural Gas Company, dated 5/28/1915 and recorded in Deed Book 147, Page 447. Term is 5 years and so much longer as oil and gas is produced in paying quantities.
 7. Oil and Gas Lease from G.W. Grandon and Emma J. Grandon, husband and wife, and J.B. Gray and Alice F. Gray, husband and wife, to The Manufacturers Light and Heat Company, dated 2/12/1920 and recorded in Deed Book 160, Page 562. Term is 3 years and so much longer as oil and gas is produced in paying quantities.
 8. Oil and Gas Lease from R.G. Cumpston and Freda Cumpston, husband and wife, to The Manufacturers Light and Heat Company, dated 11/17/1954 and recorded in Deed Book 299, Page 210. Term is 10 years and so much longer as oil and gas is produced in paying quantities.
 9. Oil and Gas Storage Agreement from R.G. Cumpston and Freda Cumpston, husband and wife, to The Manufacturers Light and Heat Company, dated 3/31/1958 and recorded in Deed Book 326, Page 47. Term is 10 years and so much longer as oil and gas is produced in paying quantities.
 10. Oil and Gas Lease from Harold L. Koontz and Margaret L. Koontz to Carl E. Smith, Inc., dated 8/23/1977 and recorded in Deed Book 479, Page 105. Term is 10 years and so much longer as oil and gas is produced in paying quantities.
 11. Oil and Gas Lease from Gail Cumpston Porter (fka Gail Cumpston) to Columbia Natural Resources, LLC, dated 3/31/2005 and recorded in Deed Book 645, Page 104. Term is 5 years and so much longer as oil and gas is produced in paying quantities.

Affiant further states that Affiant has received no delay rentals or royalties under said Lease(s) and that Affiant would refuse to accept payment of delay rentals or royalties under said Lease(s) if they were offered.

3. That the Affiant further states that there are no producing wells on the land in the Lease(s) as above referenced to and that said Lease(s) are null and void.

Further affiant saith not.

DATED December 3, 2010.

WITNESS:

AFFIANT:

Witness

Gail Cumpston Porter
Gail Cumpston Porter (f/k/a Gail Cumpston)

Witness

INDIVIDUAL ACKNOWLEDGMENT

STATE OF West Virginia)

) SS:

COUNTY OF Marshall

On this, the 3rd day of December 2010, before me, the undersigned officer, personally appeared Gail Cumpston Porter (f/k/a Gail Cumpston), known to me (or satisfactorily proven) to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: April 14, 2018Notary Public *Gerald Ernest Poole*Name/Notary Public (print) Gerald Ernest Poole

Recorder: Return to Cheasapeake Appalachia, L.L.C., Land Dept., P.O. Box 18496, Oklahoma City, OK 73154-0496.

Jan Pest
MARSHALL County 10:28:20 AM
Instrument No 1297249
Date Recorded 12/21/2010
Document Type O&G
Pages Recorded 2
Book-Page 718-272
Recording Fee \$5.00
Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 3rd day of December, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 21st day of December, 2010 at 10:28 o'clock A.M.

TESTE: *Jan Pest*

Clerk.